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असाधारण
EXTRAORDINARY

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PART II—Section 1

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

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No. 5] NEW DELHI, THURSDAY, FEBRUARY 11, 1971/MAGHA 22, 1892

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW
(Legislative Department)

New Delhi, the 11th February, 1971/Magha 22, 1892 (Saka)

The following President's Act is published for general information:—

THE WEST BENGAL RELIEF UNDERTAKINGS (SPECIAL PROVISIONS) ACT, 1971

No. 4 of 1947

Enacted by the President in the Twenty-second Year of the Republic of India.

An Act to enable the State Government to make special provisions for a limited period in respect of industrial relations, financial obligations and other like matters in relation to industrial undertakings the running of which is considered essential as a measure of preventing or of providing relief against, unemployment.

In exercise of the powers conferred by section 3 of the West Bengal State Legislature (Delegation of Powers) Act, 1970, the President is pleased to enact as follows:—

1. (1) This Act may be called the West Bengal Relief Undertakings (Special Provisions) Act, 1971.

Short title
extend and
commence-
ment.

(2) It extends to the whole of the State of West Bengal.

(3) It shall come into force on such date as the State Government may, by notification, appoint.

2. In this Act, unless the context otherwise requires,—

Definitions.

(1) "Government company" has the meaning assigned to it in section 617 of the Companies Act, 1956;

(2) "industry" means any business, trade, undertaking, manufacture or calling of employers and includes any calling, service, employment, handicraft or industrial occupation or avocation of workmen, and the word "industrial" shall be construed accordingly;

(3) "notification" means a notification published in the Official Gazette;

(4) "relief undertaking" means a State industrial undertaking in respect of which a declaration under section 3 is in force;

(5) "State industrial undertaking" means an industrial undertaking—

(a) which is started or which, or the management of which, is under any law or agreement acquired or otherwise taken over by the State Government or by a Government company and is run or proposed to be run by, or under the authority of, the State Government or a Government company; or

(b) to which any loan, advance, or grant has been given, or in respect of any loan whereof, a guarantee has been given, by the State Government or a Government company.

Declaration
of relief
undertaking.

3. The State Government may, if it is satisfied that it is necessary or expedient so to do in the public interest, with a view to enabling the continued running or re-starting of a State industrial undertaking as a measure of preventing, or of providing relief against, unemployment, declare, by notification, that the State industrial undertaking shall, on and from such date and for such period as may be specified in the notification, be a relief undertaking:

Provided that the period so specified shall not, in the first instance, exceed one year but may, by a like notification, be extended, from time to time, by any period not exceeding one year at any one time, so, however, that no notification issued under this section shall in any case remain in force for more than five years in the aggregate.

Application
of certain
enactments
and con-
tracts, agree-
ments, etc.,
to relief
undertaking.

4. The State Government may, if it is satisfied that it is necessary or expedient so to do for the purposes specified in section 3, direct, by notification,—

(a) that in relation to any relief undertaking all or any of the enactments specified in the Schedule to this Act shall not apply or shall apply with such adaptations, whether by way of modification, addition or omission (which does not, however, affect the policy of the said enactments), as may be specified in such notification; or

(b) that the operation of all or any of the contracts, assurances of property, agreements, settlements, awards, standing orders or other instruments in force (to which any relief undertaking is a party or which may be applicable to any relief undertaking) immediately before the date on which the State industrial undertaking is declared to be a relief undertaking, shall remain suspended or that all or any rights, privileges, obligations and liabilities accruing or arising before the said date, shall remain suspended or shall be enforceable with such modifications and in such manner as may be specified in such notification.

Over-riding
effect of
notification
under
section 4.

5. A notification issued under section 4 shall have effect notwithstanding anything to the contrary contained in any other law, agreement or instrument or any decree or order of a court, tribunal, officer or other authority.

6. Any remedy for the enforcement of any right, privilege, obligation or liability referred to in clause (b) of section 4 and suspended or modified by a notification under that section shall, in accordance with the terms of the notification, be suspended or modified, and all proceedings relating thereto pending before any court, tribunal, officer or other authority shall accordingly be stayed or be continued subject to such modification, so, however, that on the notification ceasing to have effect—

Suspension or modification of certain remedies, rights, etc., stay of proceedings, their revival and continuance.

(a) any right, privilege, obligation or liability so suspended or modified shall revive and be enforceable as if the notification had never been issued; and

(b) any proceeding so stayed shall be proceeded with subject to the provisions of any law which may then be in force from the state which had been reached when the proceeding was stayed.

7. In computing the period of limitation for the enforcement of any right, privilege, obligation or liability referred to in clause (b) of section 4, the period during which it or the remedy for the enforcement thereof was suspended, shall be excluded.

Period of limitation.

8. (1) The State Government may, subject to the condition of previous publication, make rules to carry out the provisions of this Act.

Power to make rules.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the rates of wages payable to the workmen and their workloads and the salary payable to the staff, the payment of bonus, gratuity, compensation, and other benefits;

(b) the manner in which the relief undertaking should be run;

(c) the strength of staff and labour to be employed for running the relief undertaking economically;

(d) the manner in which the net profits or net losses or surplus funds should be appropriated or disposed of;

(e) the percentage of profits to be utilised for the benefit of the persons employed in the undertaking and the manner of its utilisation;

(f) the manner in which, and the extent to which the representatives of the workmen may be associated with, or may participate in the management of the relief undertaking.

(3) All rules made under this section shall, as soon as possible after they are made, be laid before the Legislative Assembly for a period of not less than fourteen days and shall be subject to such modifications as the Legislative Assembly may make during the session in which they are so laid or the session immediately following.

THE SCHEDULE

[See section 4(a)]

1. The Industrial Employment (Standing Orders) Act, 1946 (20 of 1946).
2. The Industrial Disputes Act, 1947 (14 of 1947).
3. The Minimum Wages Act, 1948 (11 of 1948).
4. The West Bengal Shops and Establishments Act, 1963 (West Bengal Act XIII of 1963).

V. V. GIRI,

*President.*_____
N. D. P. NAMBOODIRIPAD,

Jt. Secy. to the Govt. of India.

Reasons for the enactment

A number of industrial undertakings in West Bengal have closed down recently for various reasons. In some cases, the State Government have advanced loans to these undertakings or guaranteed the loans made by banks to such undertakings. In certain others, the State Government have taken over the management of the industrial undertakings either under the Industries (Development and Regulation) Act, 1951, or any other law for the time being in force. In order to enable the State Government to revive and re-start these industrial undertakings and operate them efficiently and thereby provide employment to a large number of workers, it is essential that the State Government should have suitable powers to free the industrial undertakings for a short period from certain financial obligations incurred in the past and to exempt them from the scope of certain labour laws. The Act provides for such powers being vested in the State Government. Similar legislation has been enacted in States of Maharashtra, Gujarat, Madhya Pradesh, Kerala, Rajasthan and Tamil Nadu.

2. As it is not practicable to refer the present legislation to the Consultative Committee of Parliament on West Bengal Legislation, it has been decided, in view of the urgency of the matter, to enact the present legislation without such reference.

P. M. NAYAK,
*Secy. to the Govt. of India,
Ministry of Labour, Employment
and Rehabilitation
(Department of Labour
and Employment).*

